

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2813

AN ACT

REPEALING SECTION 12-712, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996,
CHAPTER 265, SECTION 1; AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA
REVISED STATUTES, BY ADDING SECTION 12-712; RELATING TO CIVIL ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 12-712, Arizona Revised Statutes, as amended by Laws 1996,
4 chapter 265, section 1, is repealed.

5 Sec. 2. Title 12, chapter 6, article 12, Arizona Revised Statutes, is
6 amended by adding section 12-712, to read:

7 12-712. Affirmative defense; limitation; criminal act

8 A. IN ANY CIVIL ACTION, THE FINDER OF FACT MAY FIND THE DEFENDANT NOT
9 LIABLE IF THE DEFENDANT PROVES THAT THE CLAIMANT WAS ATTEMPTING TO COMMIT,
10 COMMITTING OR IMMEDIATELY FLEEING FROM A FELONY CRIMINAL ACT AND AS A RESULT
11 OF THAT ACT, ATTEMPTED ACT OR FLIGHT THE CLAIMANT WAS AT LEAST FIFTY PER CENT
12 RESPONSIBLE FOR THE ACCIDENT OR EVENT THAT CAUSED THE CLAIMANT'S HARM.

13 B. IN ANY CIVIL ACTION, THE FINDER OF FACT MAY FIND THE DEFENDANT NOT
14 LIABLE IF THE DEFENDANT PROVES THAT THE DEFENDANT DID NOT ACT INTENTIONALLY
15 AND THAT THE CLAIMANT WAS ATTEMPTING TO COMMIT, COMMITTING OR IMMEDIATELY
16 FLEEING FROM A MISDEMEANOR CRIMINAL ACT AND AS A RESULT OF THAT ACT,
17 ATTEMPTED ACT OR FLIGHT THE CLAIMANT WAS AT LEAST FIFTY PER CENT RESPONSIBLE
18 FOR THE ACCIDENT OR EVENT THAT CAUSED THE CLAIMANT'S HARM.